

### **AB 1101 TASK FORCE COMPLETES DELIBERATIONS, PROPOSED NEW RULE OUT FOR COMMENT**

The task force mandated by last year's [AB 1101](#) by Assembly Member [Darrell Steinberg](#) (D-Sacramento), which created a narrow exception to the attorney's duty of confidentiality when death or great bodily injury is at risk, completed its task on Friday, March 12. The proposed Rule of Professional Conduct developed by the task force is now [circulating for public comment](#) for 60 days beginning Friday, March 19, and ending Monday, May 17.

The proposed new rule ([3-100](#)) addresses three issues identified by the legislature in AB 1101: (1) whether an attorney must inform a client about the attorney's discretion to disclose confidential information; (2) whether an attorney must attempt to dissuade a client from committing the criminal act as a prerequisite to revealing confidential information; and (3) whether conflicts of interest issues arise once an attorney elects to disclose confidential information.

Comments on the proposed rule should be directed to:

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The 21-member task force that developed the rule was appointed by State Bar President Anthony P. Capozzi, with input from the Judicial Council and Legislature, and was charged with developing a rule of professional conduct to clarify and respond to key issues raised under the bill. The Task Force sought to draft a rule that would effectuate the public policies favoring the preservation of life and protection of the public, while at the same time provide guidance to lawyers about how, where feasible, to achieve those goals within the confines of the attorney-client relationship.

Once the public comment period has ended, the proposed rule – and comments – will be submitted to the State Bar's Board of Governors for approval. If approved, the rule would then be submitted to the Supreme Court for final disposition.

### **WORKERS' COMP NEGOTIATIONS**

High level discussions continue as legislators and the governor strive to craft a compromise workers' compensation reform package. Governor Schwarzenegger had called on the Legislature to approve a package of reforms by March 1 but that day was widely held to be nothing more than a symbolic effort on the part of the administration to "turn up the heat" on what has become the state's most politically volatile issue.

Recent efforts to put together a compromise proposal have focused on the issues of permanent disability and law changes that would improve the state's poor record regarding getting workers to return to work at their pre-injury place of employment.

In an apparent effort to move things along at a faster pace, the Senate Labor and Industrial Relations Committee has hired Glenn Shor as a principal consultant. Mr. Shor, a workers' comp expert with the state's Division of Workers' Compensation, is on a leave of absence from that agency and will be focusing his efforts on putting together a compromise workers' comp package.

It is apparent that a degree of optimism has supplanted the inertia and reticence that was so clearly visible during earlier reform discussions. Indeed, some legislators and key staff close to the negotiations are predicting that a consensus agreement may be ready for review by the entire Legislature by the end of March or early April.

In the meantime, workers' comp reform advocates have mounted an aggressive signature gathering campaign that is now in full swing across the state. Reform proponents must gather 598,102 valid signatures (they are seeking 1 million) by August 2 in order to get their [workers' comp reform initiative](#) on the November ballot.

### **DEADLINES UPCOMING**

- [April 1](#) -- Spring Recess begins
- [April 12](#) -- Legislature reconvenes .
- [April 23](#) -- Last day for policy committees to hear and report Fiscal Committees fiscal bills introduced in their house.
- [May 7](#) -- Last day for policy committees to hear and report non-fiscal bills introduced in their house to floor.
- [May 14](#) -- Last day for policy committees to meet prior to June 1.